

Union Calendar No. 369

106TH CONGRESS
2^D SESSION

H. R. 3995

[Report No. 106-663]

To establish procedures governing the responsibilities of court-appointed receivers who administer departments, offices, and agencies of the District of Columbia government.

IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2000

Ms. NORTON (for herself and Mr. DAVIS of Virginia) introduced the following bill; which was referred to the Committee on Government Reform

JUNE 12, 2000

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on March 15, 2000]

A BILL

To establish procedures governing the responsibilities of court-appointed receivers who administer departments, offices, and agencies of the District of Columbia government.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “District of Columbia*
 3 *Receivership Accountability Act of 2000”.*

4 **SEC. 2. SPECIAL RULES APPLICABLE TO RECEIVERS WITH**
 5 **RESPONSIBILITIES OVER DISTRICT OF CO-**
 6 **LUMBIA GOVERNMENT.**

7 (a) *IN GENERAL.*—*Each District of Columbia receiver*
 8 *shall be subject to the requirements described in section 3.*

9 (b) *DISTRICT OF COLUMBIA RECEIVER DEFINED.*—*In*
 10 *this Act, a “District of Columbia receiver” is any receiver*
 11 *or other official who is first appointed by the United States*
 12 *District Court for the District of Columbia or the Superior*
 13 *Court of the District of Columbia during 1995 or any suc-*
 14 *ceeding year to administer any department, agency, or of-*
 15 *fice of the government of the District of Columbia.*

16 **SEC. 3. REQUIREMENTS DESCRIBED.**

17 (a) *PROMOTING FINANCIAL STABILITY AND MANAGE-*
 18 *MENT EFFICIENCY.*—*Each District of Columbia receiver*
 19 *who is responsible for the administration of a department,*
 20 *agency, or office of the government of the District of Colum-*
 21 *bia shall carry out the administration of such department,*
 22 *agency, or office through practices which promote the finan-*
 23 *cial stability and management efficiency of the government*
 24 *of the District of Columbia.*

25 (b) *COST CONTROL.*—*Each District of Columbia re-*
 26 *ceiver who is responsible for the administration of a depart-*

1 ment, agency, or office of the government of the District of
2 Columbia shall ensure that the costs incurred in the admin-
3 istration of such department, agency, or office (including
4 personnel costs of the receiver) are consistent with applica-
5 ble regional and national standards.

6 (c) *USE OF PRACTICES TO PROMOTE EFFICIENT AND*
7 *COST-EFFECTIVE ADMINISTRATION.*—Each District of Co-
8 lumbia receiver who is responsible for the administration
9 of a department, agency, or office of the government of the
10 District of Columbia shall carry out the administration of
11 such department, agency, or office through the application
12 of generally accepted accounting principles and generally
13 accepted fiscal management practices.

14 (d) *PREPARATION AND SUBMISSION OF BUDGET.*—

15 (1) *CONSULTATION WITH MAYOR AND CHIEF FI-*
16 *NANCIAL OFFICER.*—In preparing the annual budget
17 for a fiscal year for the department, agency, or office
18 of the government of the District of Columbia admin-
19 istered by the receiver, each District of Columbia re-
20 ceiver shall consult with the Mayor and Chief Finan-
21 cial Officer of the District of Columbia.

22 (2) *SUBMISSION OF ESTIMATES.*—After the con-
23 sultation required under paragraph (1), the receiver
24 shall prepare and submit to the Mayor, for inclusion
25 in the annual budget of the District of Columbia for

1 *the year, the receiver's estimates of the expenditures*
2 *and appropriations necessary for the maintenance*
3 *and operation of the department, agency, or office for*
4 *the year.*

5 (3) *TREATMENT BY MAYOR AND COUNCIL.—The*
6 *estimates submitted under paragraph (2) shall be for-*
7 *warded by the Mayor to the Council for its action*
8 *pursuant to sections 446 and 603(c) of the District of*
9 *Columbia Home Rule Act, without revision but sub-*
10 *ject to the Mayor's recommendations. Notwithstanding*
11 *any provision of the District of Columbia Home Rule*
12 *Act, the Council may comment or make recommenda-*
13 *tions concerning such estimates but shall have no au-*
14 *thority under such Act to revise such estimates.*

15 (4) *EXCEPTIONS.—This subsection shall not*
16 *apply with respect to—*

17 (A) *any department, agency, or office of the*
18 *government of the District of Columbia adminis-*
19 *tered by a District of Columbia receiver for*
20 *which, under the terms of the receiver's appoint-*
21 *ment by the court involved, the Mayor and the*
22 *Council may revise the annual budget; or*

23 (B) *the District of Columbia Housing Au-*
24 *thority receiver appointed during 1995.*

1 (5) *EFFECTIVE DATE.*—*This subsection shall*
2 *apply with respect to fiscal year 2001 and each suc-*
3 *ceeding fiscal year.*

4 (e) *ANNUAL FISCAL, MANAGEMENT, AND PROGRAM*
5 *AUDIT.*—

6 (1) *IN GENERAL.*—*An annual fiscal, manage-*
7 *ment, and program audit of each department, agency,*
8 *or office of the government of the District of Columbia*
9 *administered by a District of Columbia receiver shall*
10 *be conducted by an independent auditor selected joint-*
11 *ly by the receiver involved (or the receiver's designee)*
12 *and the Mayor (or the Mayor's designee), and each*
13 *District of Columbia receiver shall provide the audi-*
14 *tor with such information and assistance as the audi-*
15 *tor may require to conduct such audit.*

16 (2) *EXCEPTIONS.*—*Paragraph (1) shall not*
17 *apply with respect to—*

18 (A) *any department, agency, or office of the*
19 *government of the District of Columbia adminis-*
20 *tered by a District of Columbia receiver for*
21 *which, under the terms of the receiver's appoint-*
22 *ment by the court involved, audits are conducted*
23 *by an auditor selected jointly by the parties to*
24 *the action under which the receiver was ap-*
25 *pointed; or*

1 (B) the District of Columbia Housing Au-
 2 thority receiver appointed during 1995.

3 (f) *PROCUREMENT.*—

4 (1) *IN GENERAL.*—In carrying out procurement
 5 on behalf of the department, agency, or office of the
 6 government of the District of Columbia administered
 7 by the receiver, each District of Columbia receiver—

8 (A) shall obtain full and open competition
 9 through the use of competitive procedures; and

10 (B) shall use the competitive procedure or
 11 combination of competitive procedures which is
 12 best suited under the circumstances of the pro-
 13 curement.

14 (2) *EXCEPTIONS.*—

15 (A) *ALTERNATIVE METHODS FOR CERTAIN*
 16 *PROCUREMENT.*—Notwithstanding paragraph
 17 (1), a District of Columbia receiver may use al-
 18 ternative methods to carry out procurement if—

19 (i) the amount involved is nominal;

20 (ii) the public exigencies require the
 21 immediate delivery of the articles or per-
 22 formance of the service involved;

23 (iii) the receiver certifies that only one
 24 source of supply is available; or

1 (iv) the services involved are required
2 to be performed by the contractor in person
3 and are of a technical and professional na-
4 ture or are performed under the receiver's
5 supervision and paid for on a time basis.

6 (B) HOUSING AUTHORITY.—Paragraph (1)
7 shall not apply with respect to the District of
8 Columbia Housing Authority receiver appointed
9 during 1995.

10 **SEC. 4. CLARIFICATION OF APPLICABILITY OF ANTI-DEFI-**
11 **CIENCY ACT.**

12 Nothing in subchapter III of chapter 13 of title 31,
13 United States Code may be construed to waive the applica-
14 tion of the provisions of such subchapter which apply to
15 officers or employees of the District of Columbia government
16 to any District of Columbia receiver.

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